

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 101

THURSDAY, 7 SEPTEMBER 2006

Contents

1	Meeting of Senate	2613
2	Petition.....	2613
3	Notices.....	2613
4	Selection of Bills—Standing Committee—Report No. 9 of 2006	2613
5	Order of Business—Rearrangement.....	2614
6	Committees—Estimates Hearings.....	2615
7	Administration—Role of Local Government.....	2615
8	Routine of Business—Variation.....	2616
9	Foreign Affairs—Geneva Conventions.....	2616
10	Migration Legislation Amendment (End of Mandatory Detention) Bill 2006...	2617
11	Health—Foetal Alcohol Spectrum Disorders	2617
12	Industry—Grocery Industry—Code of Conduct.....	2618
13	Environment—National Threatened Species Day	2618
14	Children—Child Protection Week.....	2619
15	Trade—Importation of Illegal Timber Products	2620
16	Postponement	2621
17	Family and Community Services—Slow Food Movement.....	2621
18	Indigenous Australians—Western Australia—Pilbara—Woodstock-Abydos Reserves.....	2622
19	Regulations and Ordinances—Standing Committee—Document	2622
20	Foreign Affairs, Defence and Trade Legislation Committee—Report— Export Finance and Insurance Corporation Amendment Bill 2006	2622
21	Rural and Regional Affairs and Transport References Committee—Interim Report—Australia’s Future Oil Supply	2623
22	Rural and Regional Affairs and Transport References Committee—Interim Report—Water Policy Initiatives.....	2623
23	Children—Child Protection Week.....	2623
24	Protection of the Sea (Harmful Anti-fouling Systems) Bill 2006.....	2623
25	Legal and Constitutional Legislation Committee—Report—Annual Reports...	2624
26	Parliamentary Entitlements Amendment Regulations—Proposed Disallowance	2624

27	Financial Transaction Reports Amendment Bill 2006.....	2625
28	Superannuation Legislation Amendment (Superannuation Safety and Other Measures) Bill 2005	2625
29	International Tax Agreements Amendment Bill (No. 1) 2006	2625
30	Tax Laws Amendment (Repeal of Inoperative Provisions) Bill 2006	2626
31	Privacy Legislation Amendment Bill 2006	2626
32	Questions	2627
33	Estimates Hearings—Questions on Notice—Answers and Explanation	2628
34	Answers to Questions.....	2628
35	Environment—Global Warming—Answer to Question.....	2628
36	ASIO, ASIS and DSD—Joint Statutory Committee—Government Response—Private Review of Agency Security Arrangements.....	2628
37	Publications—Joint Standing Committee—Presiding Officers’ Response—Distribution of the Parliamentary Papers Series.....	2628
38	Australian National Audit Office—Report for 2005-06—Document.....	2628
39	Auditor-General—Audit Report No. 3 of 2006-07—Document.....	2629
40	Documents.....	2629
41	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents	2631
42	Governor-General’s Message—Assent to Laws.....	2631
43	Immigration—457 Visa Program—Answers to Questions—Statement by Leave	2631
44	Health—Medibank Private	2631
45	Committees—Appointment of Members	2632
46	Government Documents—Orders of the Day—Consideration	2634
47	Committee Reports and Government Responses—Orders of the Day—Consideration.....	2638
48	Auditor-General’s Reports—Orders of the Day—Consideration	2640
49	Adjournment	2640
50	Attendance.....	2640

1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 PETITION

The following petition, lodged with the Clerk by the President, was received:

From 112 petitioners, requesting that the Senate legislate to require that all Internet service providers offer a 'clean feed' Internet service to all households, schools and public libraries that blocks access to websites containing child pornography, acts of extreme violence and X-rated material.

3 NOTICES

Notices of motion:

The Leader of the Australian Greens (Senator Bob Brown): To move on 12 September 2006—That the Senate—

- (a) notes that the death penalty was removed from the Australian statute books in 1973; and
- (b) calls on the Government to legislate to ensure that no official Australian action is taken to subject Australians to the risk of the death penalty overseas. (*general business notice of motion no. 533*)

Senator Stott Despoja: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the introduction of voluntary student unionism on 1 July 2006 has resulted in the loss of numerous jobs and the closure of vital student services,
 - (ii) many other student services are in jeopardy,
 - (iii) the Government's 'Voluntary Student Unionism Transition Fund' has done little to protect essential university services such as child care, welfare, counselling, advocacy and accommodation,
 - (iv) the closure of these services is having a devastating effect on poorer students and those in regional and isolated areas, and
 - (v) the introduction of voluntary student unionism has undermined student autonomy and representation at universities; and
- (b) calls on the Government to reverse voluntary student unionism. (*general business notice of motion no. 534*)

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 6 September 2006, withdrew business of the Senate notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of the Migration Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 10 and made under the *Migration Act 1958*.

4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2006

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2006

1. The committee met in private session on Wednesday, 6 September 2006 at 4.45 pm.

2. The committee resolved to recommend—That the *provisions* of the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 3 October 2006.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Archives Amendment Bill 2006
 - Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006
 - Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006
 - Migration Legislation Amendment (Provisions Relating to Character and Conduct) Bill 2006
 - Migration Legislation Amendment (Return to Procedural Fairness) Bill 2006
 - National Cattle Disease Eradication Account Amendment Bill 2006
 - Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill (No. 2) 2006.

The committee recommends accordingly.

4. The committee deferred consideration of the following bill to its next meeting:
 - Tax Laws Amendment (2006 Measures No. 5) Bill 2006.

Jeannie Ferris
Chair
7 September 2006.

Senator Ferris moved—That the report be adopted.
Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 1.15 pm till not later than 2.30 pm today:

- No. 4 International Tax Agreements Amendment Bill (No. 1) 2006.
- No. 5 Tax Laws Amendment (Repeal of Inoperative Provisions) Bill 2006.
- No. 6 Privacy Legislation Amendment Bill 2006.

Question put and passed.

Senator Ellison moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 527 standing in the name of Senator McLucas relating to Medibank Private; and
- (b) orders of the day relating to government documents.

Question put and passed.

6 COMMITTEES—ESTIMATES HEARINGS

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

- (1) That the 2006-07 supplementary Budget estimates hearings be scheduled as follows:

Monday, 30 October and Tuesday, 31 October (*Group A*)

Wednesday, 1 November and Thursday, 2 November (*Group B*).

- (2) That committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts

Finance and Public Administration

Legal and Constitutional Affairs

Rural and Regional Affairs and Transport

Group B:

Community Affairs

Economics

Employment, Workplace Relations and Education

Foreign Affairs, Defence and Trade.

Question put and passed.

7 ADMINISTRATION—ROLE OF LOCAL GOVERNMENT

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Environment and Heritage (Senator Ian Campbell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the Senate—

- (a) recognises that local government is part of the governance of Australia, serving communities through locally-elected councils;
- (b) values the rich diversity of councils around Australia, reflecting the varied communities they serve;
- (c) acknowledges the role of local government in governance, advocacy, the provision of infrastructure, service delivery, planning, community development and regulation;
- (d) acknowledges the importance of cooperating and consulting with local government on the priorities of their local communities;
- (e) acknowledges the significant Australian Government funding that is provided to local government to spend on locally determined priorities, such as roads and other local government services; and
- (f) commends local government elected officials who give their time to serve their communities.

Senator Carr, by leave, moved the following amendment:

Omit paragraph (a), substitute:

- (a) supports a referendum to extend constitutional recognition to local government in recognition of the essential role it plays in the governance of Australia;

Statements by leave: Senators Carr, Bartlett and Ian Macdonald, the Leader of the Australian Democrats (Senator Allison) and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the motion.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Allison	Faulkner	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Campbell, G (Teller)	Hutchins	Murray	Webber
Carr	Kirk	Nettle	Wong
Conroy	Ludwig	O'Brien	Wortley
Crossin	Lundy	Polley	
Evans	Marshall	Ray	

NOES, 38

Senators—

Abetz	Eggleston	Joyce	Payne
Adams	Ellison	Kemp	Ronaldson
Barnett	Ferguson	Lightfoot	Santoro
Bernardi	Ferris (Teller)	Macdonald, Ian	Scullion
Boswell	Fielding	Macdonald, Sandy	Troeth
Brandis	Fierravanti-Wells	Mason	Trood
Calvert	Fifield	McGauran	Vanstone
Campbell, Ian	Heffernan	Nash	Watson
Chapman	Humphries	Parry	
Coonan	Johnston	Patterson	

Question negatived.

Main question put and passed.

8 ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That, on Thursday, 7 September 2006, the routine of business be varied to provide that questions without notice be called on at 2.30 pm.

Question put and passed.

9 FOREIGN AFFAIRS—GENEVA CONVENTIONS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 530—That the Senate supports the Geneva Conventions and opposes the failure to implement the conventions regardless of by whom or where they may be breached.

Question put and passed.

**10 MIGRATION LEGISLATION AMENDMENT (END OF MANDATORY DETENTION)
BILL 2006**

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 526—That the following bill be introduced:

A Bill for an Act to end the mandatory detention of visa applicants and asylum seekers, and for related purposes.

Question put and passed.

Senator Bartlett presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Bartlett moved—That this bill be now read a second time.

Explanatory memorandum: Senator Bartlett, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

11 HEALTH—FOETAL ALCOHOL SPECTRUM DISORDERS

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 517—That the Senate—

- (a) notes that:
 - (i) 9 September 2006 is International Foetal Alcohol Spectrum Disorders Awareness Day, and
 - (ii) there is no cure for foetal alcohol spectrum disorders (FASD) but they are 100 per cent preventable;
- (b) recognises that:
 - (i) those born with FASD have mild to profound, lifelong disabilities, usually intellectual developmental disorders, and
 - (ii) early diagnosis can lead to better outcomes if services and programs are available to support children and families; and
- (c) calls on the Government to:
 - (i) promote awareness of the effects of prenatal exposure to alcohol through warning labels on all alcohol products,
 - (ii) reconsider recommendations in the document, *National clinical guidelines for the management of drug use during pregnancy, birth and the early development years of the newborn*, in relation to alcohol consumption during pregnancy given the compelling international evidence that mothers who drink even small amounts of alcohol during pregnancy could unwittingly harm their unborn children,
 - (iii) provide specific resources to help identify and support children who have FASD, and
 - (iv) ensure that all newborns are screened for FASD.

Question put and negatived.

12 INDUSTRY—GROCERY INDUSTRY—CODE OF CONDUCT

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 529—That the Senate—

- (a) notes that:
- (i) the Federal Coalition promised at the 2004 federal election to introduce within 100 days a mandatory code of conduct to govern dealings between farmers and grocery buyers, and
 - (ii) on 4 September 2006, the National Farmers' Federation and the Horticulture Australia Council stated that the delay in delivering on this pledge is fuelling speculation that the Government will renege on its promise; and
- (b) calls on the Minister for Agriculture, Fisheries and Forestry (Mr McGauran) to explain to the Parliament why the Government has not implemented its promise and whether and when it intends to do so.

Question put.

The Senate divided—

AYES, 35

Senators—

Allison	Faulkner	Marshall	Ray
Bartlett	Fielding	McEwen	Siewert
Bishop	Forshaw	McLucas	Stephens
Brown, Bob	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Carr	Hutchins	Murray	Webber
Conroy	Kirk	Nettle	Wong
Crossin	Ludwig	O'Brien	Wortley
Evans	Lundy	Polley	

NOES, 37

Senators—

Abetz	Coonan	Kemp	Ronaldson
Adams	Eggleston	Lightfoot	Santoro
Barnett	Ellison	Macdonald, Ian	Scullion
Bernardi	Ferguson	Macdonald, Sandy	Troeth
Boswell	Ferris (Teller)	Mason	Trood
Brandis	Fierravanti-Wells	McGauran	Vanstone
Calvert	Fifield	Nash	Watson
Campbell, Ian	Heffernan	Parry	
Chapman	Humphries	Patterson	
Colbeck	Johnston	Payne	

Question negated.

13 ENVIRONMENT—NATIONAL THREATENED SPECIES DAY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 531—That, on National Threatened Species Day, the Senate—

- (a) recognises that habitat destruction and fragmentation together with alien invasive species exacerbated by global warming are the main drivers of species extinction globally;

- (b) notes that:
- (i) since 1788, 52 plants and 55 animal species have gone to extinction in Australia including the Thylacine, which was last seen in Tasmania 70 years ago today, and
 - (ii) in 2006 there are 1 243 plants, 91 mammals, 107 birds, 52 reptiles, 27 frogs, 39 fishes and 22 invertebrates listed as either critically endangered, endangered, vulnerable or conservation dependent in Australia;
- (c) expresses concern that only 21 per cent of nationally-listed threatened species have recovery plans, none of which any longer have implementation schedules or life of the project funding plans;
- (d) calls on the Government to recognise that protection of threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* has failed and does not fulfil Australia's obligations to protect threatened species under the Convention on Biological Diversity; and
- (e) urges the Government to immediately develop and implement legislation that does protect threatened species.

Question put.

The Senate divided—

AYES, 30

Senators—

Bishop	Forshaw	McEwen	Siewert
Brown, Bob	Hogg	McLucas	Stephens
Campbell, G (Teller)	Hurley	Milne	Sterle
Carr	Hutchins	Moore	Webber
Conroy	Kirk	Nettle	Wong
Crossin	Ludwig	O'Brien	Wortley
Evans	Lundy	Polley	
Faulkner	Marshall	Ray	

NOES, 41

Senators—

Abetz	Colbeck	Kemp	Ronaldson
Adams	Coonan	Lightfoot	Santoro
Allison	Eggleston	Macdonald, Ian	Scullion (Teller)
Barnett	Ellison	Macdonald, Sandy	Stott Despoja
Bartlett	Ferguson	Mason	Troeth
Bernardi	Ferris	McGauran	Trood
Boswell	Fierravanti-Wells	Murray	Vanstone
Brandis	Fifield	Nash	Watson
Calvert	Heffernan	Parry	
Campbell, Ian	Humphries	Patterson	
Chapman	Johnston	Payne	

Question negatived.

Statement by leave: Senator Bartlett, by leave, made a statement relating to the motion.

14 CHILDREN—CHILD PROTECTION WEEK

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 509—That the Senate—

- (a) notes that:
- (i) the week beginning 3 September 2006 is Child Protection Week, and

- (ii) there have been repeated, fundamental major failures by a number of child welfare agencies and others to protect children from serious abuse and neglect;
- (b) urges the Federal Government to prioritise the encouragement of states and territories to develop uniform laws and strategies on child protection; and
- (c) expresses support for child protection to be made a national priority and for all governments to urgently decide on ways to significantly reduce child abuse and neglect in Australia.

Question put.

The Senate divided—

AYES, 34

Senators—

Allison	Faulkner	McEwen	Siewert
Bartlett	Fielding	McLucas	Stephens
Bishop	Forshaw	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Campbell, G (Teller)	Hutchins	Murray	Webber
Carr	Kirk	Nettle	Wong
Conroy	Ludwig	O'Brien	Wortley
Crossin	Lundy	Polley	
Evans	Marshall	Ray	

NOES, 36

Senators—

Abetz	Colbeck	Humphries	Parry
Adams	Coonan	Johnston	Patterson
Barnett	Eggleston	Kemp	Payne
Bernardi	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Ian	Scullion (Teller)
Brandis	Ferris	Macdonald, Sandy	Troeth
Calvert	Fierravanti-Wells	Mason	Trood
Campbell, Ian	Fifield	McGauran	Vanstone
Chapman	Heffernan	Nash	Watson

Question negated (*but see entry no. 23*).

15 TRADE—IMPORTATION OF ILLEGAL TIMBER PRODUCTS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 490—That the Senate—

- (a) notes that:
 - (i) alarming rates of deforestation are occurring in south east Asia and the Pacific region through illegal and unsustainable logging practices,
 - (ii) unsustainable management of natural resources will have long-term negative economic, environmental and social consequences for countries in which illegal logging is occurring,
 - (iii) illegal logging and associated trade in timber products contributes to corruption, money laundering, organised crime and human rights abuses, and threatens the viability of responsible companies that want to invest in sustainable forest practices,
 - (iv) there is a suspected presence of illegal timber from Papua New Guinea and Indonesia in Australia, and

- (v) the Australian Government committed to addressing the problem at the 2004 election and has since reaffirmed this commitment; and
- (b) calls on the Government to:
 - (i) develop a ‘test of legality’ for forest products to be imported into Australia and facilitate its voluntary application by importers, with the aim of stopping the importation of illegal timber into Australia; and, in the event that voluntary compliance has not led to the halting of the importation of illegal timber within 3 to 5 years, agree to implement further mechanisms to achieve this end, and
 - (ii) work within Australia and with other countries in the Asia-Pacific region to facilitate the wide-spread adoption of certified and sustainable forest management practices that would stand the scrutiny of internationally recognised forest certification schemes and the International Organization for Standardization, recognised by the United Nations.

Question put and passed.

16 POSTPONEMENT

Senator Nettle, by leave, moved—That general business notice of motion no. 528 standing in her name for today, relating to the detention of Palestinian parliamentarians, be postponed till 12 September 2006.

Question put and passed.

17 FAMILY AND COMMUNITY SERVICES—SLOW FOOD MOVEMENT

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 532—That the Senate—

- (a) congratulates the organisers of ‘A Taste of Slow – Australia 2006’, a ‘Slow Food’ festival culminating in the Abbotsford Convent Weekend in Victoria on the weekend of 9 and 10 September 2006 at the Collingwood Children’s Farm and Collingwood Farmers Market;
- (b) notes:
 - (i) the fast growing international Slow Food Movement, which was founded not only as a response to the culture of fast food, but to encourage the use of local seasonal produce, to restore time-honoured methods of food production and preparation and to highlight the importance of sharing food at communal tables, and
 - (ii) that the Slow Food Movement encourages environmentally sustainable production, the ethical treatment of animals and social justice;
- (c) recognises:
 - (i) the importance of family meal times for the emotional, cultural and physical health of our communities, and
 - (ii) the importance of promoting healthy food options in light of increasing community health concerns such as obesity, diabetes and related nutritionally linked disease;
- (d) calls on the Government to take action to promote healthy food options; and
- (e) notes, with concern, the pressures placed on family time due to the rapid rise in non-standard work hours.

Question put and negatived.

18 INDIGENOUS AUSTRALIANS—WESTERN AUSTRALIA—PILBARA—WOODSTOCK-ABYDOS RESERVES

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 525—That the Senate—

(a) notes:

(i) the recent decision by the Western Australian Minister for Indigenous Affairs to vary the protection of the Woodstock-Abydos Reserves in the Pilbara, in order to accommodate the building of a railway by Fortescue Metals Group Limited, and

(ii) that the building of a railway on these reserves would impact on Aboriginal sites within the reserves; and

(b) expresses regret at the potential loss of Aboriginal heritage and urges a review of the decision to vary the protection of the Woodstock-Abydos Reserves.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Brown, Bob	Nettle	Stott Despoja
Bartlett	Milne	Siewert (Teller)	

NOES, 57

Senators—

Abetz	Eggleston	Lundy	Ray
Adams	Evans	Macdonald, Ian	Ronaldson
Barnett	Faulkner	Macdonald, Sandy	Scullion (Teller)
Bernardi	Ferguson	Marshall	Stephens
Bishop	Fierravanti-Wells	Mason	Sterle
Boswell	Fifield	McEwen	Troeth
Brandis	Forshaw	McGauran	Trood
Calvert	Humphries	McLucas	Vanstone
Campbell, George	Hurley	Moore	Watson
Carr	Hutchins	Nash	Webber
Chapman	Johnston	O'Brien	Wong
Colbeck	Kemp	Parry	Wortley
Conroy	Kirk	Patterson	
Coonan	Lightfoot	Payne	
Crossin	Ludwig	Polley	

Question negatived.

19 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, December 2005 to June 2006.

20 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT BILL 2006

Senator Scullion, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston), tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Export Finance and Insurance Corporation Amendment Bill 2006—Report, dated September 2006.

Report ordered to be printed on the motion of Senator Scullion.

**21 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
INTERIM REPORT—AUSTRALIA’S FUTURE OIL SUPPLY**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert) tabled the following report:

Rural and Regional Affairs and Transport References Committee—Australia’s future oil supply and alternative transport fuels—Interim report, dated September 2006.

Report ordered to be printed on the motion of Senator Siewert.

Senator Siewert moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, Senator Milne in continuation.

**22 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
INTERIM REPORT—WATER POLICY INITIATIVES**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert) tabled the following report and document:

Rural and Regional Affairs and Transport References Committee—Water policy initiatives—Interim report, dated September 2006 and document presented to the committee.

Report ordered to be printed on the motion of Senator Siewert.

Senator Siewert moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

23 CHILDREN—CHILD PROTECTION WEEK

Senator Bartlett asked that the question on general business notice of motion no. 509 be put again (*see entry no. 14*).

Leave was granted for the question to be put again.

Senator Bartlett, by leave, amended general business notice of motion no. 509 to read as follows:

That the Senate—

(a) notes that:

- (i) the week beginning 3 September 2006 is Child Protection Week, and
- (ii) there have been repeated, fundamental major failures by those agencies charged with protection of children from serious abuse and neglect;

(b) urges the Federal Government to prioritise the encouragement of states and territories to develop uniform laws and strategies on child protection; and

(c) expresses support for child protection to be made a national priority and for all governments to urgently decide on ways to significantly reduce child abuse and neglect in Australia.

Question—That the motion be agreed to—put and passed.

24 PROTECTION OF THE SEA (HARMFUL ANTI-FOULING SYSTEMS) BILL 2006

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 383, dated 6 September 2006—A Bill for an Act relating to the protection of the sea from the effects of harmful anti-fouling systems.

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ian Campbell moved—That this bill be now read a second time.

On the motion of Senator Ian Campbell the debate was adjourned till the next day of sitting.

25 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

Pursuant to order, Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report:

Legal and Constitutional Legislation Committee—Annual reports referred to legislation committees—Report no. 2 of 2006, dated September 2006.

Report ordered to be printed on the motion of Senator Eggleston.

26 PARLIAMENTARY ENTITLEMENTS AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Bob Brown), Senator Murray and the Leader of the Opposition in the Senate (Senator Evans)—That Schedules 1 and 3 to the Parliamentary Entitlements Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 211 and made under the *Parliamentary Entitlements Act 1990*, be disallowed.

Debate resumed.

Question put.

The Senate divided—

AYES, 29

Senators—

Bartlett	Hogg	Milne	Stephens
Bishop	Hurley	Moore	Sterle
Campbell, George	Kirk	Murray	Stott Despoja
Carr	Ludwig	Nettle	Webber (Teller)
Conroy	Lundy	O'Brien	Wong
Crossin	Marshall	Polley	
Faulkner	McEwen	Ray	
Fielding	McLucas	Siewert	

NOES, 31

Senators—

Adams	Coonan	Joyce	Parry
Barnett	Eggleston	Kemp	Patterson
Bernardi	Ferguson	Lightfoot	Payne
Boswell	Ferris (Teller)	Macdonald, Ian	Ronaldson
Brandis	Fierravanti-Wells	Mason	Scullion
Campbell, Ian	Fifield	McGauran	Troeth
Chapman	Humphries	Minchin	Watson
Colbeck	Johnston	Nash	

Question negatived.

27 FINANCIAL TRANSACTION REPORTS AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of Senator Abetz consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

28 SUPERANNUATION LEGISLATION AMENDMENT (SUPERANNUATION SAFETY AND OTHER MEASURES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That this bill be now read a second time.

Debate resumed.

Senator Stephens moved the following amendment:

At the end of the motion, add “but:

(a) given that Australian workers and their families are:

(i) not provided with full compensation in the event of theft and fraud from a superannuation fund, and

(ii) not provided with compensation for the loss of statutory 9 per cent superannuation guarantee contributions in the event of employer insolvency under the General Employee Entitlements Redundancy Scheme (GEERS), even though GEERS does pay other statutory entitlements such as unpaid wages, accrued annual leave, long service leave, pay in lieu of notice and up to 16 weeks redundancy entitlement; and

(b) given that superannuation is compulsory, long-term and for retirement, the Senate calls on the Government:

(a) to expand compensation for theft and fraud to 100 per cent using the existing compensation mechanism; and

(b) to examine the inclusion for payment of unpaid superannuation guarantee payments within GEERS”.

Debate ensued.

At 1.15 pm: Debate was interrupted.

29 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Ian Campbell the bill was read a third time.

30 TAX LAWS AMENDMENT (REPEAL OF INOPERATIVE PROVISIONS) BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator Stephens moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) notes that while technically operative, the following provisions of the income tax law are unnecessary and should be repealed:
 - (i) in the *Income Tax Assessment Act 1936* (ITAA 1936), paragraphs 26(b) and 26(e), sections 38 to 42, 94, 102, 108, 109, Part III Division 3 Subdivision D, Part III Division 6A, Part III Division 9C, and Part III Division 11B, and
 - (ii) in the *Income Tax Assessment Act 1997*, sections 15-10, 15-15, 15-20, 15-30, 25-10, 25-35, 25-40, 25-45, 26-30, 26-35, 26-40, Part 2-5 Division 32, Part 2-42, Part 3-1 Subdivision 110-B and Part 3-3 Division 149;
- (b) notes that subsection 95A(2) of the ITAA 1936 is rarely used or enforced and should be repealed, with the consequential repeal of subsection 98(2) and amendment of section 99 and Part II Division 6D; and
- (c) calls on the Government to present to the Joint Committee of Public Accounts and Audit, within 6 months, proposals for the redrafting or repeal of these provisions to further simplify the operation of income tax law”.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.

Main question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Ian Campbell the bill was read a third time.

31 PRIVACY LEGISLATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Senator Stott Despoja moved the following amendment:

Page 5 (after line 28), at the end of the bill, add:

**Schedule 3—Amendments relating to exemptions within
the Privacy Act**

Privacy Act 1988

**6 Subsection 6C(1) (after paragraph (e) of the definition of
organisation)**

Insert:

- ; or (f) a political party; or
- (g) a small business; or
- (h) a small business operator;

7 Subsection 6C(1) (definition of *organisation*)

Omit “a small business operator, a registered political party,”.

8 Section 6E

Repeal the section.

9 Section 6EA

Repeal the section.

10 Paragraph 7B(2)(b)

Repeal the paragraph.

11 Subsection 7B(2)

Repeal the note.

12 Section 7C

Repeal the section.

Question—That the amendment be agreed to—put and negatived.

Bill agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Ferguson) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the report from the committee was adopted and the bill read a third time.

Suspension of sitting: On the motion of Senator Sandy Macdonald the sitting of the Senate was suspended at 2.26 pm till 2.30 pm.

At 2.30 pm—

32 QUESTIONS

Questions without notice were answered.

Document: The Minister for the Environment and Heritage (Senator Ian Campbell) tabled the following document:

Environment—Copy of *Threatened Species Scientific Committee Members*, October 2005, Department of the Environment and the Heritage, printed 7 September 2006, <<http://www.deh.gov.au/biodiversity/threatened/committee/members.html>>.

Further questions without notice were answered.

33 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Carr, pursuant to standing order 74, asked the Minister for Immigration and Multicultural Affairs (Senator Vanstone) for an explanation of answers not being provided to questions placed on notice during the consideration by the Legal and Constitutional Legislation Committee of the 2006-07 Budget estimates (notice given 22 May 2006).

Senator Vanstone provided an explanation.

34 ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Evans) moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

35 ENVIRONMENT—GLOBAL WARMING—ANSWER TO QUESTION

Senator Milne moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Milne today relating to global warming.

Question put and passed.

36 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—PRIVATE REVIEW OF AGENCY SECURITY ARRANGEMENTS

The Minister for Communications, Information Technology and the Arts (Senator Coonan) tabled the following document:

ASIO, ASIS and DSD—Joint Statutory Committee—Report—Private review of agency security arrangements—Government response.

Senator Ray, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator Ray in continuation.

37 PUBLICATIONS—JOINT STANDING COMMITTEE—PRESIDING OFFICERS' RESPONSE—DISTRIBUTION OF THE PARLIAMENTARY PAPERS SERIES

The Deputy President (Senator Hogg) tabled the following document:

Publications—Joint Standing Committee—Report—Distribution of the parliamentary papers series—Presiding Officers' response, dated September 2006.

38 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2005-06—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Australian National Audit Office—Report for 2005-06.

39 AUDITOR-GENERAL—AUDIT REPORT NO. 3 OF 2006-07—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Auditor-General—Audit report no. 3 of 2006-07—Performance audit—Management of Army minor capital equipment procurement projects: Department of Defence; Defence Materiel Organisation.

Senator Bishop, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator Bishop in continuation.

40 DOCUMENTS

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 54—Parliamentary Zone (Section 55 Parkes) [F2006L03001]*.

Australian Communications and Media Authority Act—Radiocommunications (Charges) Amendment Determination 2006 (No. 1) [F2006L02969]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 295/06—Amendment of instrument CASA 429/05 [F2006L02928]*.

CASA EX40/06—Exemption – from compliance with flight manual for jettison system [F2006L02948]*.

CASA EX42/06—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Parafield Airport [F2006L02965]*.

CASA EX43/06—Exemption – reweigh requirement [F2006L02931]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—

AD/AMD 10/26—Wing Anti-Ice Hoses [F2006L02993]*.

AD/B737/285 Amdt 2—State of Design Airworthiness Directives [F2006L02987]*.

AD/B737/293—Master Dim and Test System Wiring [F2006L02986]*.

AD/B737/294—Flightcrew Oxygen Masks [F2006L02992]*.

AD/BEECH 400/27—Generator Control Unit [F2006L02984]*.

AD/BELL 412/51—State of Design Airworthiness Directives [F2006L02983]*.

AD/BELL 427/5—Tail Rotor Gearbox Case Oil Feed Gallery [F2006L02982]*.

AD/CL-600/69—Horizontal Stabiliser Trim – Uncommanded Movement [F2006L02961]*.

106—AD/CF6/61—Thrust Reverser Actuation System [F2006L02981]*.

107—AD/RAD/85—Sandel ST3400 Terrain Awareness Warning System/Radio Magnetic Indicator [F2006L02962]*.

Corporations Act—ASIC Class Order [CO 06/704] [F2006L02944]*.

Customs Act—

Tariff Concession Orders—

0609617 [F2006L02949]*.

0609672 [F2006L02950]*.

0609727 [F2006L02951]*.
 0609750 [F2006L02952]*.
 0609979 [F2006L02953]*.
 0610076 [F2006L02954]*.
 0610134 [F2006L02955]*.
 0610311 [F2006L02956]*.
 0613441 [F2006L02933]*.

Tariff Concession Revocation Instruments—

71/2006 [F2006L02934]*.
 72/2006 [F2006L02935]*.
 73/2006 [F2006L02936]*.
 74/2006 [F2006L02937]*.
 75/2006 [F2006L02938]*.
 76/2006 [F2006L02940]*.
 77/2006 [F2006L02941]*.
 78/2006 [F2006L02942]*.
 79/2006 [F2006L02943]*.
 80/2006 [F2006L02945]*.
 81/2006 [F2006L02946]*.

Customs Tariff Act—Customs Tariff (Safeguard Goods) Notice (No. 1) 2006 [F2006L02860]*.

Environment Protection and Biodiversity Conservation Act—Amendments of Lists of Exempt Native Specimens, dated—

14 June 2006 [F2006L02881]*.
 29 August 2006 [F2006L02854]*.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—Directions Nos—

5 of 2006-2007 [F2006L02929]*.
 6 of 2006-2007 [F2006L02930]*.

Net Appropriation Agreement for the National Health and Medical Research Council [F2006L02959]*.

Income Tax Assessment Act 1997—Refundable Film Tax Offset Rules 2002 (Amendment No. 1 of 2006) [F2006L02966]*.

Radiocommunications Act—

Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006 [F2006L02974]*.

Radiocommunications (Emergency Locating Devices) Class Licence 2006 [F2006L02972]*.

Radiocommunications Licence Conditions (Aeronautical Licence) Amendment Determination 2006 (No. 1) [F2006L02971]*.

Radiocommunications Miscellaneous Devices Class Licence Variation 2006 (No. 1) [F2006L02973]*.

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2006 (No. 2) [F2006L02970]*.

Seafarers Rehabilitation and Compensation Act—Seafarers Safety Rehabilitation and Compensation Directions 2006 (1) [F2006L02975]*.

* Explanatory statement tabled with legislative instrument.

41 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2006—Statements of compliance—
Attorney-General's portfolio agencies.
Australian Public Service Commission.

42 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

5 September 2006—Message No. 30—

Aboriginal Land Rights (Northern Territory) Amendment Act 2006 (Act No. 93, 2006)

Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Act 2006 (Act No. 94, 2006)

Australia-Japan Foundation (Repeal and Transitional Provisions) Act 2006 (Act No. 95, 2006)

Therapeutic Goods Amendment Act (No. 3) 2006 (Act No. 96, 2006).

43 IMMIGRATION—457 VISA PROGRAM—ANSWERS TO QUESTIONS—STATEMENT BY LEAVE

The Minister for Immigration and Multicultural Affairs (Senator Vanstone), by leave, made a statement clarifying the answers she gave to questions without notice asked by the Leader of the Opposition in the Senate (Senator Evans) and Senator Fierravanti-Wells today relating to the 457 visa program.

General business was called on.

44 HEALTH—MEDIBANK PRIVATE

Senator McLucas, pursuant to notice, moved general business notice of motion no. 527—That the Senate—

(a) notes that:

(i) the Government is divided over the sale of Medibank Private,

(ii) the public is concerned about the consequences of the sale of Medibank Private and its impact on the affordability of private health insurance, and

(iii) despite government promises to keep private health insurance premiums low, they have risen by almost 40 per cent since 2001; and

(b) calls on the Government to abandon plans to sell Medibank Private.

Debate ensued.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

At the end of paragraph (b), add “, unless the Government is prepared to produce a white paper that substantiates and supports its proposal, to engage in a genuine period of public consultation, and to be able to confirm it has widespread public support for its sale”.

Debate ensued.

At 6 pm: Debate was interrupted.

45 COMMITTEES—APPOINTMENT OF MEMBERS

The Acting Deputy President (Senator Murray) informed the Senate that the President had received letters nominating senators to be members of committees.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), by leave, moved—That senators be appointed to committees with effect from 11 September 2006 as follows:

Community Affairs—Standing Committee—

Appointed—

Senators Adams, Allison, Barnett, Carol Brown, Humphries, Moore, Patterson and Polley

Participating members: Senators Bartlett, Bernardi, Bishop, Boswell, Bob Brown, George Campbell, Carr, Chapman, Crossin, Eggleston, Evans, Faulkner, Ferguson, Ferris, Forshaw, Heffernan, Hogg, Hurley, Joyce, Kirk, Lightfoot, Ludwig, Lundy, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Nash, Nettle, O'Brien, Parry, Payne, Ray, Siewert, Stephens, Stott Despoja, Watson, Webber, Wong and Wortley

Economics—Standing Committee—

Appointed—

Senators Bernardi, Brandis, Chapman, Joyce, Lundy, Murray, Stephens and Webber

Substitute member: Senator O'Brien to replace Senator Webber for the committee's inquiry into petrol pricing in Australia

Participating members: Senators Adams, Allison, Barnett, Bartlett, Boswell, Bob Brown, George Campbell, Carr, Conroy, Eggleston, Evans, Faulkner, Ferguson, Ferris, Fifield, Forshaw, Hogg, Kirk, Lightfoot, Ludwig, Marshall, Ian Macdonald, McGauran, Mason, Milne, Nettle, O'Brien, Parry, Payne, Ray, Sherry, Siewert, Watson and Wong

Employment, Workplace Relations and Education—Standing Committee—

Appointed—

Senators Bernardi, George Campbell, Fifield, Johnston, Marshall, McEwen, Stott Despoja and Troeth

Participating members: Senators Allison, Barnett, Bartlett, Boswell, Brandis, Bob Brown, Carr, Chapman, Crossin, Eggleston, Evans, Faulkner, Ferguson, Ferris, Forshaw, Hogg, Humphries, Hutchins, Joyce, Lightfoot, Ludwig, Lundy, McLucas, Ian Macdonald, Mason, McGauran, Milne, Moore, Murray, Nash, Nettle, O'Brien, Patterson, Payne, Polley, Ray, Sherry, Siewert, Stephens, Sterle, Trood, Watson, Webber, Wong and Wortley

Environment, Communications, Information Technology and the Arts—Standing Committee—

Appointed—

Senators Bartlett, Eggleston, Lundy, Ian Macdonald, Parry, Ronaldson, Webber and Wortley

Substitute member: Senator Crossin to replace Senator Lundy for the committee's inquiry into Australia's Indigenous visual arts and craft sector

Participating members: Senators Adams, Allison, Bernardi, Boswell, Brandis, Bob Brown, George Campbell, Carr, Chapman, Conroy, Crossin, Evans, Faulkner, Ferguson, Ferris, Fierravanti-Wells, Forshaw, Heffernan, Hogg, Humphries, Joyce, Lightfoot, Ludwig, Marshall, Mason, McGauran,

McLucas, Milne, Moore, Nash, Nettle, O'Brien, Payne, Ray, Scullion, Siewert, Stott Despoja, Watson and Wong

Finance and Public Administration—Standing Committee—

Appointed—

Senators Carol Brown, Fierravanti-Wells, Fifield, Forshaw, Mason, Moore, Murray and Watson

Participating members: Senators Barnett, Bartlett, Bernardi, Boswell, Brandis, Bob Brown, Carr, Chapman, Conroy, Crossin, Eggleston, Evans, Faulkner, Ferguson, Ferris, Heffernan, Hogg, Joyce, Ludwig, Lundy, Ian Macdonald, Marshall, McGauran, McLucas, Milne, Nettle, O'Brien, Parry, Payne, Ray, Ronaldson, Sherry, Siewert, Stephens, Trood and Webber

Foreign Affairs, Defence and Trade—Standing Committee—

Appointed—

Senators Bishop, Ferguson, Hogg, Hutchins, Johnston, Payne and Trood

Participating members: Senators Adams, Bartlett, Bernardi, Boswell, Brandis, Bob Brown, Carol Brown, George Campbell, Carr, Chapman, Conroy, Crossin, Eggleston, Evans, Faulkner, Ferris, Fierravanti-Wells, Fifield, Forshaw, Heffernan, Hurley, Joyce, Kirk, Lightfoot, Ludwig, Lundy, Ian Macdonald, Marshall, McGauran, Mason, Milne, Nash, Nettle, Polley, Ray, Scullion, Siewert, Sterle, Stott Despoja, Watson, Webber and Wortley

Legal and Constitutional Affairs—Standing Committee—

Appointed—

Senators Bartlett, Brandis, Crossin, Kirk, Ludwig, Payne, Scullion and Trood

Substitute member: Senator Moore to replace Senator Ludwig for the committee's inquiry into Indigenous workers whose paid labour was controlled by Government

Participating members: Senators Allison, Barnett, Bernardi, Bob Brown, George Campbell, Carr, Chapman, Conroy, Eggleston, Evans, Faulkner, Ferguson, Ferris, Fierravanti-Wells, Heffernan, Hogg, Humphries, Hurley, Johnston, Joyce, Lightfoot, Lundy, Ian Macdonald, Mason, McGauran, McLucas, Milne, Murray, Nettle, Parry, Patterson, Ray, Sherry, Siewert, Stephens, Stott Despoja and Watson

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—

Senators Ferris, Heffernan, McEwen, McGauran, Nash, O'Brien, Siewert and Sterle

Participating members: Senators Adams, Allison, Barnett, Bartlett, Bernardi, Boswell, Brandis, Bob Brown, George Campbell, Carr, Chapman, Crossin, Eggleston, Evans, Faulkner, Ferguson, Hogg, Hutchins, Joyce, Lightfoot, Ludwig, Lundy, Ian Macdonald, Mason, McLucas, Milne, Nettle, Payne, Polley, Ray, Stephens, Trood, Watson and Webber.

Question put and passed.

46 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Department of Defence—Report for 2004-05. Motion of Senator Stephens to take note of document debated. Debate adjourned till Thursday at general business, Senator Hogg in continuation.

Human Rights and Equal Opportunity Commission—Report for 2004-05. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

Aboriginal Land Commissioner—Report for 2004-05. Motion of Senator Bartlett to take note of document called on and agreed to.

North Queensland Land Council Aboriginal Corporation—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Torres Strait Regional Authority—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2005. Motion of Senator Bartlett to take note of document called on and agreed to.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05. Motion of Senator Webber to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Natural Heritage Trust—Report for 2004-05. Motion of Senator Milne to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2001-02, including a report on the Rural Adjustment Scheme. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2002-03. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 003/05 to 013/05 and 015/05, 7 February 2006. Motion of Senator Stephens to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 003/05, 4 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 004/05, 21 November 2005. Motion of Senators Stephens to take note of document debated and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 005/05, 4 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 006/05, 21 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 007/05, 21 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 008/05, 21 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 009/05, 25 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 010/05, 25 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 011/05, 4 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 012/05, 4 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 013/05, 25 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 015/05, 4 November 2005. Motion of Senator Stephens to take note of document called on and agreed to.

National Environment Protection Council and NEPC Service Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2005. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Native Title Act 1993—Native title representative bodies—Cape York Land Council Aboriginal Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document moved called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2006 update. Motion of Senator Watson to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 014/05, 1 December 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 016/05, 1 December 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2005. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2005. Motion of Senator Kirk to take note of called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2005. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Queensland Fisheries Joint Authority—Report for 2003-04. Motion of Senator Ian Macdonald to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Indigenous Business Australia—Corporate plan 2006-2008. Motion of Senator Kirk to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Multilateral treaty—Text, together with national interest analysis and annexures—Agreement Establishing the Pacific Islands Forum, done at Port Moresby on 27 October 2005. Motion of Senator Ian Macdonald to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2005. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 017/05 to 019/05 and 020/06 to 048/06. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 017/05 to 019/05 and 020/06 to 048/06. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

National Rural Advisory Council—Report for 2004-05. Motion of Senator Ian Macdonald to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Wheat Export Authority—Report for 1 October 2004 to 30 September 2005. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Australia-Indonesia Institute—Report for 2004-05. Motion of Senator Stott Despoja to take note of document debated. Debate adjourned till Thursday at general business, Senator Hogg in continuation.

Australian Agency for International Development (AusAID)—Australian aid: Promoting growth and stability—White paper. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 049/06 to 055/06, 9 May 2006. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 049/06 to 055/06. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2005 to 28 February 2006. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 January to 31 March 2006. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Roads to Recovery Act 2000—Roads to recovery programme—Report for 2004-05 on the operation of the Act. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Northern Territory Fisheries Joint Authority—Report for 2004-05. Motion of Senator Siewert to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Australian National University—Report for 2005. Motion of Senator Kirk to take note of document called on. On the motion of Senator Hogg debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports—Personal identifiers 056/06 to 066/06. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 056/06 to 066/06. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Aboriginal and Torres Strait Islander Commission—Report for the period 1 July 2004 to 23 March 2005 [Final report]. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Eggleston debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—Commonwealth Ombudsman's reports—Government response. Motion of Senator Ludwig to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—Commonwealth Ombudsman's reports. Motion of Senator Ludwig to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

General business concluded.

47 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Economics Legislation Committee—Employment, Workplace Relations and Education Legislation Committee—Environment, Communications, Information Technology and the Arts Legislation Committee—Finance and Public Administration Legislation Committee—Foreign Affairs, Defence and Trade Legislation Committee—Rural and Regional Affairs and Transport Legislation Committee—Reports—Annual reports (No. 2 of 2006), September 2006. Motion of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston) to take note of reports agreed to.

Environment, Communications, Information Technology and the Arts References Committee—Report—About time! Women in sport and recreation in Australia. Motion of the chair of the committee (Senator Bartlett) to take note of report agreed to.

Foreign Affairs, Defence and Trade Legislation Committee—First progress report—Reforms to Australia's military justice system. Motion of the chair of the committee (Senator Johnston) to take note of report debated. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Community Affairs Legislation Committee—Report—Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005. Motion of the chair of the committee (Senator Humphries) to take note of report debated. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport Legislation Committee—Report—National Animal Welfare Bill 2005. Motion of Senator Bartlett to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Community Affairs References Committee—Report—Beyond petrol sniffing: Renewing hope for Indigenous communities. Motion of the chair of the committee (Senator Moore) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Expanding Australia's trade and investment relations with North Africa. Motion of the chair of the committee (Senator Ferguson) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's defence relations with the United States. Motion of the chair of the committee (Senator Ferguson) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Electoral Matters—Joint Standing Committee—Report—Funding and disclosure: Inquiry into disclosure of donations to political parties and candidates. Motion of Senator Carr to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Foreign Affairs, Defence and Trade References Committee—Report—China's emergence: Implications for Australia. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Mental Health—Select Committee—First report—A national approach to mental health – from crisis to community. Motion of the chair of the committee (Senator Allison) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Environment, Communications, Information Technology and the Arts References Committee—Report—Living with salinity – a report on progress: The extent and economic impact of salinity in Australia. Motion of the chair of the committee (Senator Bartlett) to take note of report agreed to.

Legal and Constitutional References Committee—Report—Administration and operation of the *Migration Act 1958*. Motion of the chair of the committee (Senator Crossin) to take note of report called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

Community Affairs References Committee—Reports—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government responses. Motion of Senator Murray to take note of document called on. Debate adjourned till the next day of sitting, Senator Kirk in continuation.

48 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 36 of 2005-06—Performance audit—Management of the Tiger Armed Reconnaissance Helicopter Project – Air 87: Department of Defence; Defence Materiel Organisation. Motion of Senator Bishop to take note of document agreed to.

Auditor-General—Audit report no. 49 of 2005-06—Performance audit—Job placement and matching services: Department of Employment and Workplace Relations. Motion of Senator Moore to take note of document debated. Debate adjourned till the next day of sitting, Senator Marshall in continuation.

Auditor-General—Audit report no. 2 of 2006-07—Performance audit—Export certification: Australian Quarantine and Inspection Service. Motion to take note of document moved by Senator McEwen. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Order of the day no. 3 relating to reports of the Auditor-General was called on but no motion was moved.

49 ADJOURNMENT

The Acting Deputy President (Senator Forshaw) proposed the question—That the Senate do now adjourn.

The Senate adjourned at 7.14 pm till Monday, 11 September 2006 at 12.30 pm.

50 ATTENDANCE

Present, all senators except Senators Carol Brown* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate